

Democrat, one Republican with the White House to get us past this impasse. And I commend President Bush for withdrawing controversial nominees and working toward consensus nominees. That is why this nominee will go through, I suspect unanimously, in this body.

I also commend the two Senators from Missouri, Senators BOND and McCASKILL, for working together.

Has all time been yielded back?

The ACTING PRESIDENT pro tempore. Yes, it has.

The question is, Will the Senate advise and consent to the nomination of Mark Steven Davis, of Virginia, to be a United States district judge for the Eastern District of Virginia?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—94

Akaka	Domenici	Mikulski
Alexander	Dorgan	Murkowski
Allard	Durbin	Murray
Barrasso	Ensign	Nelson (FL)
Baucus	Enzi	Nelson (NE)
Bayh	Feingold	Pryor
Bennett	Feinstein	Reed
Biden	Grassley	Reid
Bingaman	Gregg	Roberts
Bond	Hagel	Rockefeller
Boxer	Harkin	Salazar
Brown	Hatch	Sanders
Brownback	Hutchison	Schumer
Bunning	Inhofe	Sessions
Burr	Inouye	Shelby
Cantwell	Isakson	Smith
Cardin	Johnson	Snowe
Carper	Kerry	Specter
Casey	Klobuchar	Stabenow
Chambliss	Kohl	Stevens
Coburn	Kyl	Sununu
Cochran	Landrieu	Tester
Coleman	Lautenberg	Thune
Collins	Leahy	Vitter
Conrad	Levin	Voinovich
Corker	Lieberman	Warner
Cornyn	Lincoln	Webb
Craig	Lugar	Whitehouse
Crapo	Martinez	Wicker
DeMint	McCaskill	Wyden
Dodd	McConnell	
Dole	Menendez	

NOT VOTING—6

Byrd	Graham	McCain
Clinton	Kennedy	Obama

The nomination was confirmed.

NOMINATION OF DAVID GREGORY KAYS TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI

NOMINATION OF STEPHEN N. LIMBAUGH, JR., TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI

The ACTING PRESIDENT pro tempore. The clerk will report the remaining nominations en bloc.

The legislative clerk read the nominations of David Gregory Kays, of Missouri, to be United States District Judge for the Western District of Missouri; Stephen N. Limbaugh, Jr., of Missouri, to be United States District Judge for the Eastern District of Missouri.

VOTE ON NOMINATION OF DAVID GREGORY KAYS

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of David Gregory Kays, of Missouri, to be U.S. district judge for the Western District of Missouri?

The nomination was confirmed.

VOTE ON NOMINATION OF STEPHEN N. LIMBAUGH, JR.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Stephen N. Limbaugh, Jr., to be U.S. district judge for the Eastern District of Missouri?

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the motions to reconsider are considered made and laid upon the table.

The President will immediately be notified of the Senate's action.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will now resume legislative session.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:48 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

CONSUMER-FIRST ENERGY ACT OF 2008—MOTION TO PROCEED—Continued

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—AUTHORITY FOR COMMITTEE TO MEET

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during this session of the Senate.

Mr. COCHRAN. Mr. President, on behalf of the Republican leader, I object. The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I understand the objection of my good friend from Mississippi. He was not objecting on his own but for someone else.

The hearing we were going to conduct was a hearing entitled "Coercive Interrogation Techniques: Do They Work, Are They Reliable, and What Did the FBI Know About Them?"

This morning, Senator FEINSTEIN, as chair of the subcommittee, began chairing a very important hearing on interrogation tactics. The hearing featured a report by the Department of Justice inspector general on tactics at Guantanamo that amounted to torture. The hearing was interrupted by three floor votes, and the chair recessed the hearing until 2 p.m.

As you know, we have our weekly caucuses starting at 12:30. But now the minority is objecting to the committee meeting by invoking the 2-hour rule. What this means is that 2 hours after we come into session, there has to be consent to conduct hearings; otherwise, you have to do them during the first 2 hours we are in session. It is very rare there is an objection, but there is today. So I have no alternative but to recess the Senate this afternoon to allow the hearing to continue.

The Republicans may not want these abuses to come to light, but I think the American people have a right to know. This is part of a pattern of obstructionism by my friends on the Republican side.

I want the Senate to debate a bill to reduce gas prices and I want the Senate to debate a bill to extend tax credits for renewable energy, and now they do not want the Judiciary Committee to hold a hearing about coercive interrogation tactics. They can try to use Senate rules to silence these debates, but I will use the rules at this time to allow the Judiciary Committee to continue the hearing. As soon as the hearing is over, we are going to be out here to talk about gas prices.

I would hope this is framed with a picture that there is a Presidential election going on. We have one Presidential candidate who wants to do something about these high gas prices, wants to do something about the bill to extend tax credits for renewable energy, and we have another candidate who is opposed to this. We know who that candidate is: it is the Senator from the State of Arizona. And I would think that my friend, the Senator from Arizona, who is the Republican nominee, would be concerned about this delaying tactic not to allow the Judiciary Committee to hold a hearing on torture. That is what it amounts to.